

Appl. No. 10/664,373
Docket No. 7792C
Amdt. dated February 5, 2009
Reply to Office Action mailed on December 5, 2008
Customer No. 27752

REMARKS

Claim Status

Claims 1-4 are pending in the present application. No additional claims fee is believed to be due.

Independent claim 1 has been amended to include the features of a predetermined ornamental visual image consisting of a first incomplete image element, a second incomplete image element and a third incomplete image element, wherein the first incomplete image element is joined to one of the pair of side panels, the second incomplete image element is joined to another of the pair of side panels and the third incomplete image element is disposed on said first waist region of the article wherein said predetermined ornamental visual image is visible and complete when the side panels are secured to the first waist region and the first, second and third incomplete image elements together complete the predetermined ornamental visual image. Support for the amendment is found, *inter alia*, at page 20, line 25 through page 21 line 16 and Figs 7 and 8 of the specification.

Applicants have added dependent claim 3 and 4 to claim additional features.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102 Over Pozniak et al.

In a decision dated December 5, 2008, the Board of Patent Appeals and Interferences affirmed the Examiner's decision to reject claim 1 and 2 as being anticipated by US6,045,543 to Pozniak et al. under 35 U.S.C. 102(e).

Applicants have amended independent claim 1 which now recites a predetermined ornamental visual image consisting of a first incomplete image element, a second incomplete image element and a third incomplete image element, wherein the first incomplete image element is joined to one of the pair of side panels, the second

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incomplete image element is joined to another of the pair of side panels and the third incomplete image element is disposed on said first waist region of the article wherein said predetermined ornamental visual image is visible and complete when the side panels are secured to the first waist region and the first, second and third incomplete image elements together complete the predetermined ornamental visual image.

Applicants respectfully submit that the indicia disclosed in the '543 reference are not incomplete image elements that together complete a predetermined ornamental visual image.

Consequently, it is Applicants' position that this amendment overcoes the rejections of claims 1 and 2 and by dependency claims 3 and 4.

Applicants also submit that new dependent claim 3 recites that the predetermined ornamental visual image is a cartoon character and that new dependent claim 4 recites that said first and second incomplete image elements are elements of the cartoon character that are missing from said third incomplete image element to complete said cartoon character. Applicants submit that the '543 reference does not teach or even remotely suggest these features.

Reconsideration and withdrawal of the rejections are therefore respectfully requested.

Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC § 102. Early and favorable action in the case is respectfully requested.

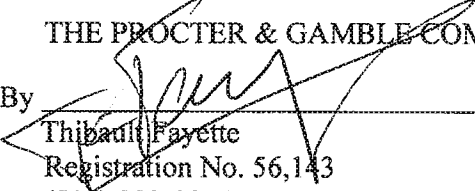
This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1 -4 is respectfully requested.

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